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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/845,454	04/30/2001	Bharath Rangarajan	F0662	3018

7590 12/08/2005

Himanshu S. Amin
Amin & Turocy, LLP
National City Center
1900 E. 9th Street, 24th Floor
Cleveland, OH 44114

EXAMINER

TRAN, BINH X

ART UNIT	PAPER NUMBER
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1765

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief	Application No. 09/845,454	Applicant(s) RANGARAJAN ET AL.	
	Examiner Binh X. Tran	Art Unit 1765	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☒ Newly proposed or amended claim(s) 1-9,12,26 and 27 would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: 1-9,11,12 and 26.
 Claim(s) objected to: _____.
 Claim(s) rejected: 27.
 Claim(s) withdrawn from consideration: 13-24.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) _____.
 13. ☐ Other: _____.

NADINE G. NORTON
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The applicants try to insert new limitation into the non-elected claims 13, 23. This raise new issues that would require further consideration and/or search.

Continuation of 11. does NOT place the application in condition for allowance because: The applicants request rejoinder of the non-elected method claims 13-24 pursuant to MPEP 821.04 and 37 CFR 1.121. According to applicants, the amended claims 13-24 now recite "all limitations of the allowed patentable product". The examiner disagrees. The amended claims do not recite all limitation of the allowable product. For examples, the amended claims 13-24 do not recites "a SYSTEM that direct light" (emphasis added) limitation. The examiner recognizes that applicants recite the limitation "directing an incident light" in claims 13 and 23. However, the applicants fail to indicate a system that direct light. Without a system that direct light, it is possible to use natural light source (such as sun light) to direct light onto the wafer. Since, this is an amendment after final, the examiner only point out a specific example of the error in the amended claims. The examiner does not need to point out all possible errors in the amended claims.

The applicants further argue, "The rejoinder provisions MPEP 821.04 and 37 CFR 1.121 state that entry of such amendments are a matter of right". The examiner disagrees. As discussed above, the amended claims do not recite ALL limitation of the allowable product. Further, applicants are reminded that the entry of a proposed amendment after final rejection cannot be made as a matter of right unless it merely cancels claims or complies with a formal requirement made earlier (See MPEP 706.07).

The amendment filed on 11-17-2005 also contains informal matters and non-compliance issues as discussed below:

Applicants identify claim 3 as "Previously Presented". However, applicants underline the term "is" in claim 3. Examiner suggests applicants remove the underline in order to comply with the 37 CFR 1.121.

In claim 11, applicants wrote "The system of claim, the processor...." This appears to be a typo error. Claim 11 should have been "The system of claim 1, the processor..." as shown in the previous amendment filed on 06-03-2005.

Binh X. Tran